



Attorney Docket No.: **61352-119**
PATENT

JRW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer No. 53080
Tohru SAITO, et al. : Confirmation No.: 7298
Application No.: 10/564,085 : Group Art Unit: 2811
Filed: August 16, 2006 : Examiner: MEIYA LI

For: **HETEROJUNCTION BIPOLAR TRANSISTOR AND METHOD FOR
MANUFACTURING SAME**

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed March 18, 2009, having a shortened statutory period for response set to expire April 18, 2009, wherein the Examiner required restriction between the following distinct Species:

Species I(a): - Figs. 1 and 2;
Species I(b): - Figs. 15 and 16;

Species II(a):- Figs. 4-14; and
Species II(b):- Figs. 18-22.

Applicants elect Species I(a), with claims 1-4, 7 and 8 readable thereon, for initial prosecution on the merits. Applicants also reserve the right to file a Divisional

Application for the non-elected claims which the Examiner has indicated are patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time.

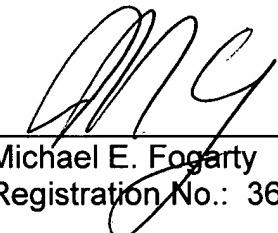
The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 4/17/01

By:


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